

109TH CONGRESS
2D SESSION

H. R. 4981

To amend the National Dam Safety Program Act.

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2006

Mr. KUHLMAN of New York (for himself, Mr. MATHESON, and Mr. ABERCROMBIE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the National Dam Safety Program Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; AMENDMENT OF NATIONAL DAM**
4 **SAFETY PROGRAM ACT.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Dam Safety Act of 2006”.

7 (b) AMENDMENT OF NATIONAL DAM SAFETY PRO-
8 GRAM ACT.—Except as otherwise expressly provided,
9 whenever in this Act an amendment or repeal is expressed
10 in terms of an amendment to, or a repeal of, a section
11 or other provision, the reference shall be considered to be

1 made to a section or other provision of the National Dam
2 Safety Program Act (33 U.S.C. 467 et seq.).

3 **SEC. 2. DEFINITIONS.**

4 Section 2 is amended by—

5 (1) redesignating paragraph (13) as paragraph
6 (14); and

7 (2) inserting after paragraph (12) the following:

8 “(13) STATE REGULATED DAM.—The term
9 State Regulated Dam means a State dam subject to
10 the criteria described in section 8(e)(2)(A)(i), (iv)
11 and (vi).”.

12 **SEC. 3. INSPECTION OF DAMS.**

13 Section 3(a)(2) is amended by striking “Power” and
14 inserting Energy Regulatory.

15 **SEC. 4. NATIONAL DAM INVENTORY.**

16 Section 6 is amended to read as follows:

17 **“SEC. 6. NATIONAL DAM INVENTORY.**

18 “The Secretary of the Army, acting through the Chief
19 of Engineers, shall maintain and update information on
20 the inventory of dams in the United States. Such inven-
21 tory of dams shall include an assessment of each dam
22 based on inspections completed by either a Federal agency
23 or a State dam safety agency.”.

1 **SEC. 5. NATIONAL DAM SAFETY PROGRAM.**

2 (a) DUTIES.—Section 8(b)(1) is amended by striking
3 “and target dates to” and inserting “performance meas-
4 ures and target dates toward effectively administering the
5 Act in order to”.

6 (b) ASSISTANCE FOR STATE DAM SAFETY PRO-
7 GRAMS.—Section 8(e)(2)(A) is amended by—

8 (1) striking “substantially”;

9 (2) striking clause (iv) and inserting the fol-
10 lowing:

11 “(iv)(I) the authority to require or
12 perform the inspection at least once every
13 5 years, of all dams and reservoirs that
14 would pose a significant threat to human
15 life and property in case of failure to de-
16 termine the continued safety of the dams
17 and reservoirs;

18 “(II) authority to require or perform
19 inspection at least every 5 years of those
20 dams and reservoirs that pose a significant
21 threat to human life and property; and

22 “(III) a procedure for more detailed
23 and frequent safety inspections;”; and

24 (3) in clause (vi) by inserting “install and mon-
25 itor instrumentation,” after “remedial work,”.

1 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 13 is amended to read as follows:

3 **“SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

4 **“(a) NATIONAL DAM SAFETY PROGRAM.—**

5 **“(1) ANNUAL AMOUNTS.—**There are authorized
 6 to be appropriated to FEMA to carry out sections
 7 7, 8, and 11 (in addition to any amounts made
 8 available for similar purposes included in any other
 9 Act and amounts made available under subsections
 10 (b) through (e)), \$8,000,000 for each of fiscal years
 11 2007 through 2011, to remain available until ex-
 12 pended.

13 **“(2) ALLOCATION.—**

14 **“(A) IN GENERAL.—**Subject to subpara-
 15 graphs (B) and (C), for each fiscal year,
 16 amounts made available under this subsection
 17 to carry out section 8 shall be allocated among
 18 the states as follows:

19 **“(i) One-third among States that**
 20 **qualify for assistance under section 8(e).**

21 **“(ii) Two-thirds among States that**
 22 **qualify for assistance under section 8(e), to**
 23 **each State in proportion to—**

24 **“(I) the number of dams in the**
 25 **State that are listed as State-regu-**
 26 **lated dams on the inventory of dams**

1 maintained under section 6; as com-
2 pared to

3 “(II) the number of dams in all
4 States that are listed as State-regu-
5 lated dams on the inventory of dams
6 maintained under section 6.

7 “(B) MAXIMUM AMOUNT OF ALLOCA-
8 TION.—The amount of funds allocated to a
9 State under this paragraph may not exceed 50
10 percent of the reasonable cost of implementing
11 the State dam safety program.

12 “(C) DETERMINATION.—The Director and
13 the Board shall determine the amount allocated
14 to States.

15 “(b) NATIONAL DAM INVENTORY.—There is author-
16 ized to be appropriated to carry out section 6 \$1,000,000
17 for each fiscal year.

18 “(c) RESEARCH.—There is authorized to be appro-
19 priated to carry out Section 9 \$2,000,000 for each of fiscal
20 years 2007 through 2011, to remain until expended.

21 “(d) DAM SAFETY TRAINING.—There is authorized
22 to be appropriated to carry out section 10 \$700,000 for
23 each of fiscal years 2007 through 2011.

24 “(e) STAFF.—There is authorized to be appropriated
25 to FEMA for the employment of such additional staff per-

1 sonnel as are necessary to carry out sections 8 through
2 10 \$1,000,000 for each of fiscal years 2007 through 2011.

3 “(f) LIMITATION ON USE OF AMOUNTS.—Amounts
4 made available under this Act may not be used to con-
5 struct or repair any Federal or non-Federal dam.”.

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